

For purely political reasons, I think two points should be made during the course of argument this morning:

1. That since the inception of this prosecution, the Justice Department could have ascertained that Dan and Mort had been wiretapped by making a thorough inquiry of FBI records and personnel. However, the Justice Dept. chose not to and instead waited until it was forced by events of the last two weeks to end the case. We should state that this is a deliberate attempt by the highest government officials to stop further investigation by the Court of the activities carried out by the White House, the CIA, the FBI and the Departments of Justice, Defense and State in connection with this prosecution.

2. That during the period of surveillance of Mort's residence (from the Spring of 1969 to June, 1971) William Rehnquist (an advocate of government wiretapping and surveillance of civilians), was head of the Justice Department's Legal Office. Mr. Rehnquist should be required to state, under oath whether he had any knowledge of the surveillance of Mort's residence, or of any other persons suspected of leaking or being leaked information.

Boh

Trial note (before: my '73)